

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
MAGISTRATE MINUTES
SENTENCING

FILED
DISTRICT COURT OF GUAM
NOV - 8 2005 *X*

MARY L.M. MORAN
CLERK OF COURT

CASE NO. MG-05-00037

DATE: 11/8/2005

HON. JOAQUIN V. E. MANIBUSAN, JR., Magistrate Judge, Presiding
Court Recorder & Courtroom Deputy: Virginia T. Kilgore
Hearing Electronically Recorded: 10:16:13 - 10:54:42

Law Clerk: Judith Hattori
CSO: L. Ogo

***** APPEARANCES *****

DEFT: MICHAEL C. BRILES

(X) PRESENT (X) CUSTODY () BOND () P.R.

ATTY: JOHN GORMAN

(X) PRESENT () RETAINED (X) FPD () CJA APPOINTED

U.S. ATTORNEY: STEVE CHIAPPETTA

AGENT:

U.S. PROBATION: MARIA CRUZ

U.S. MARSHAL: V. ROMAN

(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level:

Total offense level:

4

Criminal History Category:

3

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Requested the Court to sentence the defendant to time served and to give defendant the opportunity to receive treatment from the Salvation Army Lighthouse Recovery Center today.

(X) DEFENDANT ADDRESSES THE COURT

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

Requested the Court to sentence the defendant to the maximum term of imprisonment.

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Probation Officer, Maria Cruz, amended the sentencing recommendation to reflect 60 days for Count I and 6 months for Count II. Parties had no objections.

SENTENCE: MG-05-00037

DEFENDANT: MICHAEL C. BRILES

(X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF SIXTY DAYS FOR COUNT I AND TIME SERVED FOR COUNT II. THE TERM OF IMPRISONMENT SHALL BE SERVED CONCURRENTLY.

(X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF ONE YEAR FOR COUNT I AND ONE YEAR FOR COUNT II, WHICH SHALL BE SERVED CONCURRENTLY.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE OR LOCAL CRIME.
2. DEFENDANT SHALL NOT UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE AND SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. HE SHALL SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE FROM IMPRISONMENT AND TO AT LEAST TWO PERIODIC DRUG TESTS THEREAFTER FOR USE OF A CONTROLLED SUBSTANCE.
3. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. SENTENCING COMMISSION AND UNDER 18 U.S.C. § 3583.
4. DEFENDANT SHALL BE PROHIBITED FROM INCURRING NEW CREDIT CHARGES OR OPENING ADDITIONAL LINES OF CREDIT WITHOUT APPROVAL OF THE U.S. PROBATION OFFICE UNLESS HE IS IN COMPLIANCE WITH THE PAYMENT SCHEDULE.
5. DEFENDANT SHALL PROVIDE THE U.S. PROBATION OFFICE ACCESS TO ANY REQUESTED FINANCIAL INFORMATION.
6. DEFENDANT SHALL PERFORM 200 HOURS OF COMMUNITY SERVICE UNDER THE DIRECTION OF THE U.S. PROBATION OFFICE.

DEFENDANT IS ORDERED TO PAY RESTITUTION IMMEDIATELY OR THROUGH A PAYMENT PLAN AS SCHEDULED WITH THE U.S. PROBATION OFFICE TO THE VICTIM IN THE AMOUNT AS FOLLOWS:

NANA SERVICES, LLC (GUAM)
P.O. BOX 153209
SANTA RITA, GUAM 96915-3209

RESTITUTION ORDERED: \$750.00

IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE OF \$35.00 TO BE PAID IMMEDIATELY AFTER SENTENCING.

PURSUANT TO SECTION 5E1.2(f) OF THE GUIDELINE RANGE, ALL FINES ARE WAIVED SINCE IT HAS BEEN DETERMINED THAT THE DEFENDANT DOES NOT HAVE THE ABILITY TO PAY.

COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT ADVISED OF HIS APPEAL RIGHTS. DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL.